

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable Thomas A. Harris, Associate Justice; Honorable Rebecca A. Wiseman, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Robert Abilez, Senior Deputy Clerk.

F040453 People v. Garza

Cause called and argued by Allen Weinberg, Esq., counsel for appellant and by William Kim, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

At this point Harris, J. and Wiseman, J. leave the bench; they are replaced by Buckley, J. and Cornell, J.

F041767 In re Jonie M. et al., Minors

Cause called and argued by Alan Siraco, Esq., counsel for appellant and by Marsha Perkes, Esq., Deputy County Counsel, counsel for respondent.

Cause ordered submitted.

F039373 In re Francisco E., a Minor

Cause called and argued by Valerie Hriciga, Esq., counsel for appellant. Carlos Martinez, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

Court recessed until Thursday, July 10, 2003 at 1:30 P.M.

IN THE

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IN AND FOR THE

Fifth Appellate District

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Rebecca A. Wiseman, Associate Justice; Honorable Gene M. Gomes, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Jill Rivera, Assistant Deputy Clerk.

F039998 People v. Garcia

Cause called and argued by Oliver Northup, Esq., counsel for appellant. Janet Neeley, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

At this point Dibiaso, Acting P.J. directs Harris, J. to act as Presiding Justice in his absence and leaves the bench with Gomes, J.; they are replaced by Harris, Acting P.J. and Buckley, J.

F040514 People v. Lucas

Cause called and argued by Oliver Northup, Esq., counsel for appellant. Janine Busch, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

Court recessed until Friday, July 11, 2003 at 10:00 A.M.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F039958 People v. Lee

The judgment is reversed solely as to count two, attempting by threat. The matter is remanded to the superior court. If within 30 days after the filing of the remittitur in the superior court the prosecutor files a written election to try Lee before a properly instructed jury, and if within 60 days after the filing of the remittitur in the superior court he is brought to trial, the superior court shall proceed accordingly. Otherwise the superior court shall dismiss the count two conviction of attempting by threat, issue an amended abstract of judgment showing a sentence of 25 years to life in state prison on the count one conviction of second degree robbery, and forward certified copies of the amended abstract of judgment to the appropriate persons. Gomes, J.

We concur: Dibiaso, Acting P.J.; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F042855 Ruben D. v. The Superior Court of Stanislaus Co.; Stanislaus Co. Community Services Agency

The petition for extraordinary writ is denied. This opinion is final forthwith as to this court

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F042847 In re Karissa G., a Minor

IT IS HEREBY ORDERED that the appeals in the above-entitled action are dismissed.

F043034 Anthony M. v. The Superior Court of Stanislaus Co.; Stanislaus Co. Community Services Agency

The petition for extraordinary writ is denied. This opinion is final forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F040457 People v. Lee

The judgment of conviction is reversed solely as to count one, attempted second degree murder. The matter is remanded to the superior court. If within 30 days after the filing of the remittitur in the superior court the prosecutor files a written election to try Lee before a properly instructed jury, and if within 60 days after the filing of the remittitur in the superior court he is brought to trial, the superior court shall proceed accordingly. Otherwise . . . dismiss the count one conviction of attempted second degree murder, issue an amended abstract of judgment, as to count two, and forward certified copies to the appropriate persons. Gomes, J.

We concur: Dibiaso, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F042791 In re Barry R., a Minor

F043111 In re Barry R., a Minor

Appellant's motion to consolidate the above-entitled cases is granted. Briefing shall remain separate.